

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

December 18, 2006

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Morrison, Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C051745 THE PEOPLE v. SALAZAR

Cause called. Kevin A. Hicks, Deputy District Attorney, argued for appellant. Allan Jose, argued for respondent. Cause submitted.

At 9:42 a.m., the court recessed. At 9:48 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C051148 TAMBURINA v. COMBINED INSURANCE COMPANY OF AMERICA et al.

Cause called. Allan S. Haley argued for appellant. Margaret L. Parker argued for respondents. Cause submitted.

At 10:09 a.m., the court recessed. At 10:16 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C050171 SAVIENT PHARMACEUTICALS, INC. v. DEPARTMENT OF HEALTH SERVICES et al. and RUMSELL CORPORATION

Cause called. Richard M. Ross argued for appellant. Michael V. Hamming, Deputy Attorney General, argued for respondents. Robert S. Lawrence appeared only for real party in interest. Cause submitted.

At 10:35 a.m., the court recessed. At 10:40 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C050591 PATRICIA ATKINS INSURANCE AGENCY, INC., et al. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY et al.

Cause called. William P. Tedards, Jr. argued for appellants. George A. Yuhas argued for respondents. Cause submitted.

At 11:06 a.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Butz, Associate Justice.

C051792 In re FIDEL LOZANO on Habeas Corpus

Cause called. Diana Samuelson argued for petitioner. Maria G. Chan, Deputy Attorney General, argued for respondent and submitted additional citations. Cause submitted.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

December 18, 2006, continued

At 2:45 p.m., the court recessed. At 2:48 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C051227 In re DIANA P.; THE PEOPLE v. DIANA P.

Cause called. Kathleen c. Page, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:58 p.m., the court recessed until 9:30 a.m., Tuesday, January 16, 2007.

C043594 THE PEOPLE v. COTTLE (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Raye, Acting P.J.
Morrison, J.

C049648 THE PEOPLE v. CLARKE (Not for Publication)

The trial court is instructed to amend its March 30, 2005, minute order to correctly reflect its ruling. In all other respects, the judgment is affirmed.

SIMS, Acting P.J.

We Concur: Morrison, J.
Hull, J.

C050353 THE PEOPLE v. MONTGOMERY (Not for Publication)

The judgment is affirmed.

DAVIS, J.

We Concur: Scotland, P.J.
Nicholson, J.

C050407 THE PEOPLE v. BREDFIELD (Not for Publication)

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment showing the sentence on counts one and two as 15 years to life and to send a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

MORRISON, J.

We Concur: Blease, Acting P.J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

December 18, 2006, continued

C050770 THE PEOPLE v. PORCAYO (Not for Publication)

The judgment is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Nicholson, Acting P.J.

Butz, J.

C051224 THE PEOPLE v. HERNANDEZ (Not for Publication)
C051602

The judgment is reversed, and the case is remanded to the trial court with directions to vacate the order denying the motion to suppress and enter a new order granting that motion.

ROBIE, J.

We Concur: Scotland, P.J.

Nicholson, J.

C051644 THE PEOPLE v. EVANS (Not for Publication)

The judgment in San Joaquin County case No. SF083157A is affirmed.
The appeal in San Joaquin County case No. SM227759A is order transferred to the appellate division of the San Joaquin County Superior Court.

SIMS, Acting P.J.

We Concur: Morrison, J.

Hull, J.

C052062 THE PEOPLE v. MITCHELL (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Morrison, J.

Hull, J.

C050719 WALLACE v. WALLACE et al. (Not for Publication)

The judgment for dismissal is affirmed.

MORRISON, J.

We Concur: Blease, Acting P.J.

Cantil-Sakauye, J.

4

Cantil-Sakaue, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

December 19, 2006, continued

C049931 THE PEOPLE v. SMART et al. (Certified for Partial Publication)

We direct the trial court to modify defendant Smart's sentence and defendant Calhoun's sentence... As modified, we affirm the judgment against each defendant. **(Certified for Partial Publication.)**

Davis, Acting P.J.

We Concur: Morrison, J.

Hull, J.

C049650 STANDARD REGISTER COMPANY v. DEPARTMENT OF GENERAL SERVICES et al. and SICPA PRODUCT SECURITY, LLC.

(Not for Publication)

The plaintiff's purported appeal from the denial of its request under the California Public Records Act is dismissed. The judgment is affirmed. The defendants and the real party in interest shall recover their costs of appeal.

DAVIS, Acting P.J.

We Concur: Nicholson, J.

Butz, J.

December 20, 2006

C047136 THE PEOPLE v. MARKLAND (Not for Publication)

The judgment is affirmed.

HULL, J.

I concur: Sims, Acting P.J.

I concur except that I concur in the result as to part II.

ROBIE, J.

C047487 THE PEOPLE v. ORTEGA (Certified for Partial Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Sims, J.

Butz, J.

C050141 THE PEOPLE v. ARNOLD (Certified for Partial Publication)

Defendant's conviction on count 4 is reversed. His remaining convictions are affirmed. The matter is remanded for resentencing consistent with this opinion. (Certified for Partial Publication.)

DAVIS, J.

We Concur: Scotland, P.J.

Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

December 20, 2006, continued

- C050776 THE PEOPLE v. McKINNEY (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C051198 THE PEOPLE v. DUTRA (CERTIFIED FOR PUBLICATION)**
The sentence is vacated and the cause remanded to the trial court for further proceedings consistent with this opinion.
MORRISON, J.
I concur: Blease, Acting P.J.
I respectfully dissent...
Sims, J.
- C051309 THE PEOPLE v. ARMSTRONG (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Raye, J.
- C051992 THE PEOPLE v. RITZ (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C052618 THE PEOPLE v. GONZALES (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.
- C048438
C049490 GLOBAL MED TECHNOLOGIES, INC. et al. v. JACKSON, JR. (Not for Publication)**
The judgment and the award of attorney fees and costs are reversed and the matter is remanded. Costs on appeal are awarded to Global Med. (Cal. Rules of Court, rule 27(a).)
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

December 20, 2006, continued

C051866 GONZALES v. GONZALES et al. and GONZALES
(Not for Publication)

The judgment is affirmed.
DAVIS, Acting P.J.
We Concur: Morrison, J.
Butz, J.

C047678 CASSIDY et al. v. CASSIDY
BY THE COURT:

Appellant's petition for rehearing is denied.
HULL, J.

December 21, 2006

C051353 THE PEOPLE v. JOHNSON
(Not for Publication)

The judgment is affirmed.
DAVIS, J.
We Concur: Scotland, P.J.
Nicholson, J.

C051388 GARREN v. BURLIN et al.
(Not for Publication)

The judgment is affirmed. Burlin shall recover costs on appeal.
RAYE, J.
We Concur: Scotland, P.J.
Robie, J.

C051228 In re THOMAS B.; THE PEOPLE v. THOMAS B.
(Not for Publication)

The order committing the minor to CYA is affirmed... However, the matter is remanded to the juvenile court with directions... The juvenile court shall forward a copy of the amended order of commitment to the Department of Corrections and Rehabilitation, Director of the Division of Juvenile Facilities.
BLEASE, Acting P.J.
We Concur: Raye, J.
Butz, J.

December 22, 2006

C051371 THE PEOPLE v. NORWOOD
(Not for Publication)

The judgment is affirmed.
SIMS, J.
We Concur: Scotland, P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

December 22, 2006, continued

C050552 BROWNING et al. v. DUNMORE DEVELOPMENT COMPANY
C050945 ARNDT et al. v. FEATHER RIVER CONSTRUCTION & DEVELOPMENT
COMPANY

(Not for Publication)

The judgments in both appeals are reversed and the matters remanded to the trial courts with directions to issue orders... The trial courts shall stay the actions at law until the final resolution of the group arbitrations. The parties shall pay their own costs of appeal.

DAVIS, Acting P.J.

We Concur: Raye, J.
 Hull, J.

C046264 WARREN et al. v. CROSSWOODS HOMEOWNERS ASSOCIATION et al.
BY THE COURT:

Pursuant to the written request of the appellants, the appeals filed on March 17, 2004, and July 15, 2004, are dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 20(c)(2).)

SCOTLAND, P.J.